Previous references.

File No. 38 of 09

1909.

Serial Nos. 1 & 2

(Prisons)

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to 19 of 09 – 1 & 2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2

Part B. for January '09

SUBJECT.

Transfer of military prisoners not enlisted in India, who have been convicted by civil Courts and discharged from the Army.

Table of Contents.

1 From The F.A. Resident in Mysore. No 6110 dt/19.10.08
forwards a copy of the instructions issued by the Govt. of India regarding the transfer to the Lunatic Asylum of military prisoners in the above case and requests that necessary orders might be issued to the Supdt. Bangalore Central Jail.

2. To the I.G. of Prisons No J2207 dt/30.1.09
Forwards a copy of the above to be communicated to the Supdt. of the Bangalore Central Jail for guidance

GENERAL AND REVENUE SECRETARIAT

(Prisons)

NOTES.

File. No 38-08

FILE HEADING.

Transfer of Military prisoners not enlisted in India, who have been Convicted by Civil Courts and discharged from the army.

From

J. B. Copeland Esqr I.C.S - H. A. Resident

No. 6110 Dated 19 · 11 · 08 Received 20 · 11 · 08

Diary No. 1279	Enclos. 2	Spare Copies. —	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a copy of the instructions issued by the Govt of India, regarding the transfer to the United Kingdom or to a British possession of Military prisoners in the above case and requests that necessary orders may be issued to the Supdt Central Jail, Bangalore

1

NOTES AND ORDERS.

Submitted - The Residency wants that the Superintendent of the Bangalore Central gaol should be instructed to intimate directly to the District Magistrate of the C & M station, whenever

NOTES—First sheet.

MGCPB—50,000—17-2-05.

G.R.S. 12]
General and Revenue Secretariat.

Rs. File No. 38 of 1908-09, 2

Serial No.

a military prisoner of the above description is admitted into the Central gail, so that the C & M station officer may obtain the orders of the Hon'ble the Resident in the matter.

2 Submitted with a draft ~~forwarding a Copy of Govt of India instructions and issuing orders~~ to the Sp/Prisons -

SWD
21/11/08

Submit to Dewan through 2nd Cr

CBB
24/11/08

3 may be approved, I doubt the necessity of instructing the Supdt of the Mysore Jail as in that case it would be necessary to instruct the Supdts of all Jails & Lock ups. The convicts of the C & M station are incarcerated in the Bangalore Central jail and hence the necessity of issuing instructions to that Jail

To file
1-1

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Issued 21.1.09.

Dept approved Dewan
20-1-09

25/11/08

G. R. S. 12]
General and Revenue Secretariat.

File No. 38 of 1905

Serial No.	
2	To The D. I. G. of Prisons - No: J 2207 Dt. 30.1.05 Forwards a copy of the above instructions to be communicated to the Supdts of the B.G. jail for guidance.

J 1279.

No. 4/102-2.

Pris. F No. 3
S No. 1

FROM

T. B. COPELAND, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSOI

To

The Dewan o f Mysore.

Dated Bangalore, 19 November 1908.

SIR,

I am directed to forward herewith, for the information of the Durbar, a copy of the instructions issued by the Government of India, regarding the procedure to be followed, in the case of the transfer, to the United Kingdom or to a British possession, of Military prisoners not enlisted in Ind who have been convicted by Civil Courts and discharged from the Army.

2. I am to request that instructions may kirdly be issued to the Superintendent, Central Jail, Bangalore, that in every case in which a Military prisoner not enlisted in India has been admitted to the Central Jail, the fact should be intimated direct to the District Magistrate, Civil and Military Station, Bangalore, without delay so as to enable that Officer to obtain the Resident's orders on the case.

I have the honour to be,

S i r,

Your most obedient servan

T. Copeland

First Assistant Residen

Instructions for the transfer to the United Kingdom or to a British possession of soldiers not enlisted in India, who have been convicted by Civil Courts and discharged from the Army.

On receipt in prison of a military prisoner not enlisted in India, who has been convicted by a Civil Court, it should be ascertained without delay whether his discharge from the Army has been ordered. In every case in which a prisoner who has not been enlisted in India is to be so discharged, the Superintendent of the Prison concerned shall enquire -- when the prisoner's sentence is four months or under, immediately on his admission to prison, and in other cases, not less than four months before the expiry of the sentence whether prisoner is willing or not to be removed from India and shall record his wishes in writing.

2. The prisoner should, in either case, be transferred (under the authority conferred on local Governments by the general orders under section 29 (1) of the Prisoners Act, 1900 (III of 1900), laid down in the Resolution of the Government of India in the Home Department, No.446-58, dated the 8th August 1904) from the prison in which he is confined to the House of Correction, Bombay, not less than three months before the expiry of his sentence -- or, in the case of prisoners under shorter sentences, as soon as possible.

3. In the case of prisoners who do not object to removal local Governments, in directing the transfer (under the general orders referred to in rule), should make an order remitting the residue of the sentence with effect from the date on which the prisoner may be embarked. This order should be simultaneously communicated to the Commissioner of Police, Bombay, and to the Bombay Government. The earliest possible intimation should be given to the Commissioner of Police, Bombay, of the date on which the prisoner may be expected to arrive in Bombay, and of the date and term of his original sentence. The Commissioner of Police will, thereupon, proceed to make suitable arrangements for the prisoner's passage to England. The fact of the transfer should be simultaneously intimated to the Government of Bombay.

4. In the case of prisoners who do object to depertation, the following procedure will be followed:-

4 (a) As soon as it has been ascertained that the prisoner objects to deportation, the fact should be reported without delay to the Government of India, who will proceed to obtain the Secretary of State's orders for the prisoner's removal under sections 2 (b) and 5 of the Colonial Prisoners' Removal Act, 1884 (47 and 48 Vict., C.31) A copy of the despatch from the Government of India will be forwarded simultaneously to the Government of Bombay.

The Secretary of State will communicate the order for Removal direct to the Government of Bombay who will thereupon draw up in duplicate or in triplicate as the case may be a Notification of Concurrence in the Order of Removal in the form annexed for the signature of His Excellency the Governor, as required by His Majesty's Order in Council, dated the 9th September 1907, and will also issue the necessary warrant under section 7 of the Colonial Prisoners' Removal Act, 1884, directing the prisoner's removal to England or to a British possession. The Government of Bombay will send one copy of the Notification of Concurrence to the Secretary of State. In the case of the removal of a prisoner to a British possession, a copy will also be sent to the Governor of the Colony to which the prisoner is to be removed.

Note.--The above procedure will not apply to the removal of a prisoner from one British possession to another in pursuance of an agreement made between such possessions and sanctioned by Order in Council under the provisions of the Colonial Prisoners' Removal Act, 1869.

NOTIFICATION OF CONCURRENCE IN ORDER OF REMOVAL OF A PRISONER

Colonial Prisoners' Removal Act, 1884.

Whereas an Order has been made under the Colonial Prisoners' Removal Act, 1884 by one of His Majesty's Principal Secretaries of State for the removal of A. B. a prisoner now in custody in the Colony (or Presidency or) of to the United Kingdom (or the Colony (or Protectorate or) of):

Now I, the Governor, (or Lieutenant-Governor or the Officer Administering the Government) of the Colony (or Presidency or) of with the advice of the Executive Council of the said Colony (or hereby concur in the said order of removal.

Given under my hand this day of 190

(b) The local Government in whose jurisdiction the prisoner was sentenced, should remit the balance, if any, of the prisone sentence with effect from the date of his disembarkation in the United Kingdom or in the British possession to which he is removed.

(c) The orders of remission under clause (b) should be communicated to the Government of Bombay, at the time of advising th prisoner's transfer to the House of Correction, in the manner prescribed by rule 3 of these instructions and rule I of the general orders referred to in rule 2 of these instructions.

5. During the trooping season from October to April prisoners removed under warrant will be conveyed to England by troopship if accommodation is available, and the Government of Bombay will ascertain direct from the General Officer Commanding, Bombay District, whether a passage can be provided and the name of the Officer Command ing the troops on board. In this case the warrant under sectio 7 of the Colonial Prisoners Removal Act, 1884, should confer the requisite authority upon the Officer commanding the troops on board.

py attached closed.

If no accommodation is available by troopship, the Government o Bombay will arrange for the prisoner's passage by a private vessel, and will ascertain the name of the Captain for entry in the warrant.

6. The prisoner, if being conveyed by a private vessel, need not b kept in confinement during the voyage, but should be placed under su supervision or restraint as will secure his safe custody.

7. Considerable time will be expended in carrying out the procedur described above, and it is essential that no delay should occur in addressing the Government of India so as to enable them to obtain the Secretary of State's order of removal as soon as possible. Accordingly, when the term of imprisonment is less than three months the Government of India should be communicated with by telegraph.

III -- Warrant for removal of a Prisoner.

Colonial Prisoners Removal Act, 1884.

To C. D., the keeper of the prison, and to E.F. and G. H. Whereas an order has been made, under the Colonial Prisoners Removal Act, 1884, by one of Her Majesty's Principal Secretaries of State, with the concurrence of the Government of the Colony (or presidency, or) of , (and the government of the colony (or presidency, or) of) for the removal of A.B., a prisoner now in the custod of you, the said C.D., under a sentence of penal servitude (or imprisonment, or, as the case may be) for the term of years from the day of (or for life), to the United Kingdom (or to the colony (or presidency, or) of) there to undergo the residue of the said sentence. Now I do hereby, in pursuance of the said Act, order you, the said C.D., to deliver the body of the said A. B. into the custody of the said E. F. and G. H. of one of them; and I do hereby, in further pursuance of the said Act, authorize you, the said E. F. and G. H. or either of you to receive the said A.B. into your custody and to convey him to the United Kingdom (or to the colony (or presidency, or) of) and to deliver him to such person or persons as shall be empowered by one of Her Majesty's Principal Secretaries of State (or of the Governor of the said colony (or presidency, or)) to receive him for the purpose of giving effect to the said order of removal.

And for so doing this shall be your warrant.

Given under the hand of the undersigned, one of Her Majesty's Principal Secretaries of State (or governor of) this day of 190....

Copies

G. S. Fermoy Cuyler

Registrar

G.R.S. 26]

Pris **File No.** 38-8

Serial No. 2

Diary No. of letter replied to 1279

No J 2207

General and Revenue Secretariat

( )

, *the* 190

To The Inspector General of Prisons in Mysore.

Date of issue 30th Jany 1909.

Signed by Sir/ S. Srinivasaraya

Sir,-

I am directed to forward herewith, a copy of the instructions issued by the Government of India, regarding the procedure to be followed in the case of the transfer, to the United Kingdom or to a British possession, of Military prisoners not enlisted in India who have been convicted by Civil Courts and discharged from the army.

I am to

over.

SUBJECT.

to request that instructions
may be issued to the
Superintendent of the
Bangalore Central gaol, and to the Superintendent of the Mysore Jail also if necessary that in every case in which a military prisoner not enlisted in India has been admitted to the ~~Central~~ gaol, the fact should be intimated direct to the District Magistrate, Civil and Military Station, Bangalore, without delay so as to enable that officer to obtain the Honble the Resident's orders on the case -

I have &c

23/11/08
Home Secretary.

C.R.D.

List of enclosures

25/11/08

Copied by 26/11

Examined by

PB—10,000—20-4-05.